

12/14/01



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**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
738-P-1-USATotal Pages in this Submission
4**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

ADAPTABLE FILTER SAMPLING DEVICE

and invented by:

JOE C. SPURGEONJ1021 U.S. PTO
10/017151
12/14/01If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 19 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Microfiche Appendix *(if applicable)*
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if drawings filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
a. ☒ Formal b. ☐ Informal Number of Sheets 5
4. ☒ Oath or Declaration
a. ☒ Newly executed *(original or copy)* ☐ Unexecuted
b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
c. ☒ With Power of Attorney ☐ Without Power of Attorney
d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission *(if applicable, all must be included)*
a. ☐ Paper Copy
b. ☐ Computer Readable Copy
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☐ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
☐ First Class ☒ Express Mail *(Specify Label No.):* EL73648125US

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Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: _____
17. ☐ Additional Enclosures (please identify below):

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	9	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$355.00

- ☒ A check in the amount of \$370.00 to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
 - ☐ Credit any overpayment.
 - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: December 14, 2001


Signature

David G. Duckworth
Registration No: 39,516
DRUMMOND & DUCKWORTH
4590 MacArthur Blvd., Suite 500
Newport Beach, CA 92660
(949) 724-1255

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **JOE C. SPURGEON**

Docket No.

738-P-1-USA

Serial No.

Filing Date

Examiner

Group Art Unit

Invention: **ADAPTABLE FILTER SAMPLING DEVICE**U.S. PTO
10/017151
12/14/01

I hereby certify that this **U.S. UTILITY PATENT APPLICATION WITH ENCLOSURES; \$370 FILING FEE**
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on **December 14, 2001**

(Date)

Deborah Rios

(Typed or Printed Name of Person Mailing Correspondence)

Deborah Rios

(Signature of Person Mailing Correspondence)

EL736748125US

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TRANSMITTAL OF FORMAL DRAWINGSDocket No.
738-P-1-USAIn Re Application Of: **JOE C. SPURGEON**

Serial No.

Filing Date

Batch No.

Examiner

Art Unit

Invention: **ADAPTABLE FILTER SAMPLING DEVICE**

Address to.

**Assistant Commissioner for Patents
Washington, D.C. 20231**

Transmitted herewith are:

5 sheets of formal drawing(s) for this application.Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c)
on the reverse side of the drawing.
*Signature***David G. Duckworth
Registration No: 39,516
DRUMMOND & DUCKWORTH
4590 MacArthur Blvd., Suite 500
Newport Beach, CA 92660
(949) 724-1255**Dated: **December 14, 2001**I certify that this document and attached formal drawings
are being deposited on _____ with the
U.S. Postal Service as first class mail under 37 C.F.R. 1.8
and addressed to the Assistant Commissioner for Patents,
Washington, D.C. 20231.*Signature of Person Mailing Correspondence**Typed or Printed Name of Person Mailing Correspondence*

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **JOE C. SPURGEON**

Docket No.

738-P-1-USA

Serial No.

Filing Date

Examiner

Group Art Unit

Invention: **ADAPTABLE FILTER SAMPLING DEVICE**I hereby certify that this **FORMAL DRAWINGS (5 SHEETS; FIGS. 1 - 10)***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on **December 14, 2001***(Date)***Deborah Rios***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EL736748125US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**